



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert D. Palmquist Confirmation No. 8120
Serial No.: 10/026,293
Filed: December 21, 2001 Customer No.: 28863
Examiner: Lamont M. Spooner
Group Art Unit: 2626
Docket No.: 1011-001US01
Title: NETWORK-BASED TRANSLATION SYSTEM

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Post Service, as First Class Mail, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on _____

By: _____
Name: _____

DECLARATION UNDER 37 C.F.R. 1.131

Commissioner for Patents
Washington, D.C. 20231

I, Robert D. Palmquist, declare as follows:

1. I am named sole inventor in above-referenced patent application serial no. 10/026,293.
2. I am an employee of Speechgear, Inc, the assignee of the above-referenced patent application.
3. As evidenced by this Declaration and the Exhibits referenced by this Declaration, I conceived the inventions set forth in claims 1, 3, 4, 16, 18, 26, 28, 29, 32 and 37 of this application prior to July 30, 2001, and worked diligently to reduce the inventions to practice from

a time prior to July 30, 2001 through the time of actual reduction on or before November 26, 2001.

4. Furthermore, as evidenced by this Declaration and the Exhibits referenced by this Declaration, I conceived the inventions set forth in claims 6, 7, 9, 22 and 38 of this application prior to July 30, 2001, and worked diligently to reduce the inventions to practice from a time prior to July 30, 2001 through the time of constructive reduction to practice on December 21, 2001, i.e., the filing date of the current patent application.

Conception

5. Exhibit A, attached to this Declaration, includes excerpts of a progress report prepared for the United States government under SBIR Phase I Topic N01-044, Contract Number N00014-01-M-0225. The progress report from which the excerpts of Exhibit A were taken covered a two-week period of time that was prior to July 30, 2001, and was submitted to the United States government. Exhibit A specifically includes pages 2, 5-7 and 10-12 of the progress report.

6. Exhibit A provides evidence of my conception of the inventions set forth in the claims 1, 3, 4, 6, 7, 9, 16, 18, 22, 26, 28, 29, 32, 37 and 38 on or before the period covered by the progress report, which was before July 30, 2001. The actual dates in this Exhibit have been redacted.

7. Specifically, the pages marked as 10-12 of Exhibit A clearly demonstrate that the features recited in claims 1, 3, 4, 6, 7, 9, 16, 18, 22, 26, 28, 29, 32, 37 and 38 were in my possession at the time this progress report was prepared, which was prior to July 30, 2001.

8. Claim 1 recites a method comprising capturing an image containing text in a first language with a digital camera of a device, establishing with the device a wireless connection with a network, transmitting the image containing text in the first language from the device over the network via the wireless connection, receiving at the device a translation of the text in a

second language over the network via the wireless connection, and displaying at the device the translation of the text in the second language. Conception of all of the features of claim 1 are supported in Exhibit A. Specifically, FIG. 5 of Exhibit A illustrates a device that includes a digital camera. On page 10 of the status report, last line, to page 11 of the status report, first line, Exhibit A indicates that the digital camera will be used to capture an image of the foreign language. An example picture of this image captured by the digital camera is shown in FIG. 6. On page 11, lines 1-3, Exhibit A provides that a device establishes a wireless connection with a remote server and that the server translates the image and sends the translation back to the device. FIG. 7, on page 12 illustrates how the translated text is displayed on the device in the second language, e.g., along with a thumbnail representation of the original image. All of the features of claim 1 are clearly supported by Exhibit A, which was submitted to the government prior to July 30, 2001.

9. Claim 3 further requires display of the image. This is clearly supported in Exhibit A by FIGS. 6 and 7.

10. Claim 4 further requires displaying the image and displaying the translation of the text in the second language simultaneously. This is clearly supported in Exhibit A by FIG. 7.

11. Claim 6 further requires transmitting a second image containing second text in the first language over the network, and receiving a translation of the first text and the second text in the second language over the network. Claim 7 further requires transmitting the first image and the second image over a network in response to a single command from a user. Claims 6 and 7 are clearly supported by Exhibit A on page 11, lines 13-41, which discuss the “one-click” option for sending multiple images.

12. Claim 9 recites compressing the image. Exhibit A discloses this feature at page 11, lines 5-9.

13. Claim 12 recites that the network comprises a cellular telephone network. Exhibit A discloses this feature at page 11, lines 4-5.

14. Claim 16 recites a device comprising a digital camera that captures an image containing text in a first language, a transmitter that transmits the image over a network via a wireless connection so that the text can be translated by a different device, a receiver that receives a translation of the text in a second language over the network via the wireless connection, and a display that displays the translation of the text in the second language. Conception of all of the features of claim 16 are supported in Exhibit A. Specifically, FIG. 5 of Exhibit A illustrates a device that includes a digital camera. On page 10, last line, to page 11, first line, Exhibit A indicates that the digital camera will be used to capture an image of the foreign language. An example picture of this image captured by the digital camera is shown in FIG. 6. On page 11, lines 1-3, Exhibit A provides that device establishes a wireless connection with a remote server and that the server translates the image and sends the translation back to the device. FIG. 7, on page 12 illustrates how the translated text is displayed on the device in the second language, e.g., along with a thumbnail representation of the original image. All of the features of claim 16 are clearly supported by Exhibit A, which was submitted to the government prior to July 30, 2001.

15. Claim 18 requires the simultaneous display of the translation and the image. This is clearly supported in Exhibit A by FIG. 7.

16. Claim 22 requires that the device comprise a cellular telephone that establishes the wireless connection so that the text can be translated by the different device. Exhibit A discloses this feature at page 11, lines 4-5.

17. Claim 26 is an independent claim to a system comprising a client device including a digital camera that captures an image containing text in a first language, a client transmitter that transmits the image over a network to a remote server via a wireless connection so that the text can be translated by the remote server, a client receiver that receives a translation of the text in a

second language over the network from the remote server via the wireless connection, and a display that displays the translation of the text in the second language; and the remote server including a receiver that receives the image over the network from the client device, a translator that generates the translation of the text in the second language and a transmitter that transmits the translation over the network to the client device. Conception of all of the features of claim 16 are supported in Exhibit A. As noted above with respect to claims 1 and 16, Exhibit A illustrates a device that includes a digital camera. On page 10, last line, to page 11, first line, Exhibit A indicates that the digital camera will be used to capture an image of the foreign language. An example picture of this image captured by the digital camera is shown in FIG. 6. On page 11, lines 1-3, Exhibit A provides that a device establishes a wireless connection with a remote server and that the server translates the image and sends the translation back to the device. FIG. 7, on page 12, illustrates how the translated text is displayed on the device in the second language, e.g., along with a thumbnail representation of the original image. All of the features of claim 26 are clearly supported by Exhibit A, which was submitted to the government prior to July 30, 2001.

18. Claim 28 is a method claim that requires capturing a first image containing text in a first language with a digital camera of a device, generating from the first image a second image containing the text in response to a command from a user, wherein generating the second image includes editing out one or more portions of the first image that do not include the text, transmitting the second image from the device over a network so that the text can be translated, receiving at the device a translation of the text in a second language over the network, and displaying at the device the second image and the translation. Claim 28 is also supported by Exhibit A at pages 10-12 and FIGS. 5-7. The passages addressed above with respect to claims 1, 16 and 26 also provide support for the features of claim 28.

19. Claim 29 further requires establishing the wireless connection with the network, which is clearly supported in Exhibit A at page 11, lines 2-3.

20. Claim 32 requires display of the second image and the translation simultaneously. As noted above, this is clearly supported in Exhibit A by FIG. 7.

21. Claim 37 recites a method comprising capturing an image containing text in a first language with a digital camera of a device, transmitting the image containing text in a first language from the device over a network so that the text can be translated, receiving at the device a translation of the text in a second language over the network, and displaying the image and the translation simultaneously at the device. Claim 28 is also supported by Exhibit A at pages 10-12 and FIGS. 5-7. The passages addressed above with respect to claims 1, 16 and 26 also provide support for the features of claim 28.

22. Claim 38 recites storing a plurality of images containing text, and transmitting at least a portion of the plurality of images over the network in response to a single command from a user. Claim 38 is clearly supported by Exhibit A on page 11, lines 13-41, which discuss the “one-click” option for sending multiple images.

Reduction to Practice

23. Exhibit B, attached to this Declaration, provides evidence that the inventions recited in claims 1, 3, 4, 16, 18, 26, 28, 29, 32 and 37 were actually reduced to practice on or before November 26, 2001.

24. The filing of the current application was a constructive reduction to practice of the features recited in claims 6, 7, 9, 22 and 38, i.e., on December 21, 2001.

25. Exhibit B contains excerpts from another progress report prepared for the United States government under SBIR Phase I Topic N01-044, Contract Number N00014-01-M-0225. The progress report from which the excerpts of Exhibit B were taken covered a period between November 10, 2001 and December 10, 2001. Exhibit B specifically includes pages 2, 5-7 and 14-18 of the progress report.

26. Page 7 of the progress report in Exhibit B provides a status overview. In this status overview on page 7, the progress report indicates that a successful demonstration of an

English-to-Arabic system was given to the Office of Naval Research on November 26, 2001. Page 7 of the progress report in Exhibit B specifically indicates that the demonstration included the “camera-based” mode, which is discussed in pages 14-18 of the progress report.

27. Pages 14-18 of the progress report in Exhibit B specifically illustrate the functionality of the prototype covered by claims 1, 3, 4, 16, 18, 26, 28, 29, 32 and 37.

28. Specifically, the features of independent claims 1, 16, 26, 28 and 37 were clearly supported by the demonstrated prototype, as discussed on pages 14-18 of Exhibit B. FIGS. 11-14 on pages 17 and 18 specifically illustrate operation of the prototype. FIG 11 illustrates an image that includes Arabic text, which was captured by a digital camera of the device. FIG 12 illustrates a user selection to translate the text in the image. FIG 13 illustrates the device uploading the image to a server. FIG 13 also illustrates a toolbar to show progress of a subsequent translation download from the server. FIG 14 illustrates the final translation of the Arabic text as “Post Office.” Clearly, the features of claims 1, 16, 26, 28 and 37 were reduced to practice on or before November 26.

29. The features of claims 3 are shown as being reduced to practice in FIG 11 of Exhibit B, which shows display of the image including Arabic text to be translated.

30. The features of claims 4, 18 and 32 are shown as being reduced to practice in FIG 14 of Exhibit B, which shows display of the image including Arabic text to be translated simultaneously with the display of the translation of this text into English, i.e. “Post Office.”

31. The features of claim 29, i.e., establishing the wireless connection, are shown as being reduced to practice in FIG 13 of Exhibit B, which shows progress of the image download process.

Diligence

32. With respect to the inventions recited in claims 1, 3, 4, 16, 18, 26, 28, 29, 32 and 37, during the period from prior to July 30, 2001 to the actual reduction to practice on November 26, 2001, Speechgear worked diligently toward the reduction to practice.

33. Exhibit C is an excerpt from a progress report covering a period between September 10, 2001 and November 9, 2001. Exhibit C specifically includes pages 2, 6 and 13-15 of the progress report.

34. Exhibit E is a letter dated September 5, 2001 to Sakhr Software Company requesting an evaluation copy of OCR software for testing purposes.

35. Exhibits C, E and B demonstrate the diligence over a period between a date prior to July 30, 2001 and the date the inventions recited in claims 1, 3, 4, 16, 18, 26, 28, 29, 32 and 37 were actually reduced to practice, i.e., on or before November 26, 2001.

36. The progress report associated with Exhibit C was submitted after the progress report associated with Exhibit A, which is currently being used to establish conception of the claimed inventions prior to September 30. During the period covered by Exhibit C, Speechgear worked diligently towards reducing the invention to practice, specifically for purposes of demonstrating a prototype to the government. Exhibit E provides further evidential support of this diligence.

37. Over the period covered by the progress associated with Exhibit C from a time prior to July 30, 2001 to November 9, 2001, Speechgear employees worked substantially every day (not necessarily including weekends or holidays) on advancing the project towards a reduction to practice of the features recited in claims 1, 3, 4, 16, 18, 26, 28, 29, 32 and 37.

38. Also, over the period covered by the progress report associated with Exhibit B from November 10, 2001 to the reduction to practice of the invention on or before November 26,

Speechgear employees continued working diligently substantially every day (not necessarily including weekends or holidays) on advancing the project towards a reduction to practice.

39. With respect to the inventions recited in claims 6, 7, 9, 22 and 38, during the period from prior to July 30, 2001 to the constructive reduction to practice on December 21, 2001 Speechgear worked diligently toward the reduction to practice.

40. Claims 6, 7, 9, 22 and 38 are dependent claims. With respect to these claims, the activities of Speechgear addressed above to demonstrate diligence with respect to the independent claims, and therefore also apply to claims 6, 7, 9, 22 and 38 insofar as these claims incorporate all the features of their respective independent claims.

41. Following the diligence to the actual reduction to practice of inventions recited in claims 1, 3, 4, 16, 18, 26, 28, 29, 32 and 37 on or before November 26, 2001, Speechgear continued working diligently in improving the prototype to include other features, including those recited in claims 6, 7, 9, 22 and 38.

42. Over the period covered by the progress associated with Exhibit B through December 10, Speechgear employees worked substantially every day (not necessarily including weekends or holidays) on advancing the project towards a reduction to practice, including work on the features recited in claims 6, 7, 9, 22 and 38.

43. Exhibit D is another progress report excerpt, associated with a report covering the period of December 11, 2001 to January 8, 2001. Exhibit D includes pages 2, 6 and 16-21 of the progress report.


44. Over the period covered by the progress report associated with Exhibit D through the constructive reduction to practice of the features recited in claims 6, 7, 9, 22 and 38 on December 23, Speechgear employees worked substantially every day (not necessarily including weekends or holidays) on advancing the project towards a reduction to practice.

45. On pages 18-19, the progress report associated with Exhibit D specifically identifies progress over this period in advancing details of system requirements related to the features recited in claims 6, 7, 9, 22 and 38.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that these statements are being made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 8 Feb 2007

Signed:


Robert D. Palmquist